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## CRIME AND PUNISHMENT IN THE IMPERIAL HISTORIOGRAPHY OF SÜLEYMAN THE MAGNIFICENT: AN EVALUATION OF NİŞANCI CELÂLZÂDE'S VIEW

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Celâlzâde Mustafa Çelebi's *Tabakātu'l-Memâlik ve Derecātu'l-Mesâlik* is one of the invaluable primary sources dealing with the reign of Süleyman the Magnificent (1520–1566). Its author, Celâlzâde Mustafa (d. 1567), was a distinguished *Nişancı* (head of the imperial chancery), who is credited with the codification of Ottoman laws under Süleyman the Magnificent. Celâlzâde was the main official responsible for the “true” representation of the Ottoman sultan for over 35 years during his long career in the sultan's service. This paper aims to demonstrate that an official definition of justice was articulated and propagated in the *Tabakât* in order to meet the contemporary requirements of the Ottoman administration, i.e. a powerful central authority. With this definition, Celâlzâde aimed to demonstrate that the provision of justice could only be ensured by the absolute rule of the sultan. Celâlzâde's formulation differed from the conceptualisation of justice as the observance of traditional laws and social order, which implied limits on sultanic absolutism. Although Celâlzâde's formulation did not exclude the traditional conceptualisation of justice, the observance of laws was regarded as a responsibility of state officials instead of the sultan.

*Key words:* Celâlzâde Mustafa, Süleyman the Magnificent, Ottoman administration, Islamic law, absolute rule, *şeri'at*, *örf*, *siyaset*.

Celâlzâde Mustafa Çelebi's reputation as a model intellectual, historian and bureaucrat remained alive for more than fifty years after his death. The eminent Ottoman intellectual and historian Mustafa Âli of Gelibolu (d. 1600) claimed to be a successor to Celâlzâde Mustafa in history writing and literary composition, and also proudly indicated that he had been in company with Celâlzâde Mustafa a number of times (Mustafa Ali Gelibolulu n.d.).<sup>1</sup> Writing in 1633, the poet and biographer Atâî stated that “his literary compositions are still models for divan scribes”.<sup>2</sup>

<sup>1</sup> Sultan Süleyman's reign, entry of “Ramazanzade”, cited in Fleischer (1996, pp. 29–30).

<sup>2</sup> “suver-i münşeâtı vardır el'ân düstûru'l-'amel-i küttâb-ı dîvândır”, Atâî (1989, p. 114).

Celälzâde Mustafa served in various offices during his long career, first as private secretary to two grand viziers (1517–1525), and then as *reisülküttab* (head of the secretariat, 1525–1534) and *nişancı* (head of the imperial chancery, 1534–1556). Sultan Süleyman honoured him with the title of *müteferrika başı* (chief of the notables attached to the palace) in his retirement. Celälzâde accompanied the sultan on his last military campaign with this title. After Süleyman's death in 1566, he became *nişancı* once more and remained in the service of Selim II (1566–1574) until his own death in 1567.

At first, Celälzâde Mustafa authored separate works such as *Mohaçnâme*, *Fetihnâme-i Rodos* and *Fetihnâme-i Karaboğdan*<sup>3</sup> on Sultan Süleyman's campaigns, which were modelled on *fetihnames*, i.e. imperial letters sent to provincial officers to inform them of military victories. Then, he decided to create a monumental work, *Tabakātu'l-Memâlik ve Derecātu'l-Mesâlik* (Layers of kingdoms and levels of routes) by combining his previous works in a single volume and adding new chapters describing the Ottoman domains. We do not know exactly when he decided to compose the *Tabakât* (Celälzâde Mustafa 1981), but it was written gradually over a long period, probably between 1526 and 1557. Celälzâde's original plan for the *Tabakât* consisted of 30 chapters; the last chapter concerned Süleyman's campaigns, and the remaining 29 were to comprise a description of the Ottoman realm. He may never have compiled the first 29 chapters. Traces of them survive only in the title of the work, "layers of kingdoms and levels of routes", a frequently used title in Arabic works of geographical literature (Pellat 1991).

Celälzâde clarifies his aim at the beginning of the work: to exalt the sultan's name and to make his memory everlasting (Celälzâde Mustafa 1981, pp. 8b–9a). For Celälzâde, no other ruler deserved more to be remembered because no one had ever achieved so many great victories. He criticises other contemporary histories without naming their authors. In Celälzâde's view, they did not know the real concerns of Ottoman administration and so depended on what they had imagined or what they had heard from unreliable sources. He excludes only Fethullah Arifi's (d. 1561) work *Süleymannâme* which was the official history of the sultan's reign written in Persian. Celälzâde claims for his work a status similar to that of the *Süleymannâme*, indicating that the *Tabakât* is a *şehnâme* ('king's book') written in Ottoman. In brief, as an official history, the *Tabakât* focuses on events that reflect the sultan's magnificence and justice. Therefore, it presents a rich source which can illuminate for us the special meaning of justice as understood by Ottoman officials, or at least by one high-ranking official: the *nişancı*, whose job was to ensure the observance of justice in the Ottoman domains.

Although the *Tabakât* is a very important primary source for the reign of Süleyman, it has been relatively little used by modern scholars. Probably because of its highly ornamented style, later scholars preferred to use the works of two eminent Ottoman historians from the 16th and 17th centuries, who summarised the contents of the *Tabakât* in their works: Mustafa Ali's (1997) *Kitabu't-Tarih-i Künhü'l-Ahbar*

<sup>3</sup> For a description of these works see Uzunçarşılı (1958, pp. 408–409).

(written between 1592–1599) and Peçevi's *History* (written in 1641).<sup>4</sup> In terms of literary tradition, Celālzāde's work develops the style of earlier Ottoman historians such as Tursun Bey (d. after 1491), Idris-i Bitlisi (d. 1520) and Kemalpaşazade (d. 1534), who themselves emulated the style of Ilkhanid and Timurid histories such as Juvaini's (d. 1283) *History of the World Conqueror* (*Tarih-i Cihāngüşā*) and Sharafuddin Yazdi's (d. 1454) *Şerefnāme*.<sup>5</sup> Celālzāde's tenure as *nişancı* witnessed the geographical and bureaucratic expansion of the Ottoman Empire and he contributed to the consolidation of central administration with his works serving for the legitimacy of the Ottoman rule as well as with his service in the imperial bureaucracy. As Linda Darling pointed out, the political changes that mark the transition from mediaeval to early modern can be observed in the entire Mediterranean region after 1500 (Darling 2006). "The Mughal, Safavid and expanded Ottoman empires were more highly centralised and much longer lasting than their predecessors [i.e. the Timurid, Akkoyunlu and Mamluk]" (Darling 2006, p. 57).

This transformation can also be observed in the flourishing political literature of the time, which reflects the debate over the definition of justice and ideal ruler. As Bogaç Ergene has indicated, two different definitions of justice were prevalent in the 16th century, which were "not inherently contradictory conceptualisations" but, "that alternative definitions of justice began to imply conflicting socio-economic orientations" in the 17th century (Ergene 2001, p. 80). The first definition of justice as the preservation of existing social order (i.e. the four pillars, *erkān-i erbaa* of Ottoman society) was expressed mostly in the Ottoman 'mirrors for princes' works, which followed Aristotle's political philosophy as expressed in the Persian works, such as Nasiruddin Tusi's (d. 1274) *Ahlak-i Nasiri*.<sup>6</sup> A second definition of justice was simply "the removal of oppression (*zulm*) over tax-paying subjects" and was expressed mostly in works composed by Ottoman officials.<sup>7</sup> These two definitions of justice seem to require two different descriptions of the ideal ruler. The second definition implies that justice was a personal quality of the sultan, and oppression was linked with the state officials. On the other hand, the first definition of justice implied that the sultan was obliged to act in accordance with traditional laws that ensured the preservation of social order. However, as Linda Darling pointed out, "rulers became primarily decision-makers and overseers, rather than warriors and judges, and with-

<sup>4</sup> Style of the *Tabakāt* was difficult to understand even for Ottomans, the *Künhü'l-Ahbār* and Peçevi's *History* were printed in the 1860s but *Tabakāt* was not printed in Ottoman script, only a "simplified" Turkish version of it was prepared by Sadettin Tokdemir and published in modern Turkish script in 1937 (Mustafa Ali: *Künhü'l-Ahbār*. 5 vols. İstanbul, 1862–1869; Peçevi: *Tarih-i Peçevi*. 2 vols. İstanbul, 1864–1866; Celaloğlu Mustafa: *Türk Ordusunun Savaşları ve Devletin Kurumu, İç ve Dış Siyaseti*. Ed. Sadettin Tokdemir. İstanbul, Askeri Matbaa, 1937).

<sup>5</sup> For an evaluation of Tursun Bey's history, see İnönü (2003) and İnalçık (1977); Menage (1960).

<sup>6</sup> The earliest Ottoman mirror for princes work is Husameddin Amasi's *Miratu'l-Muluk* (written in 1406), for an evaluation of its contents see, Yılmaz (1998, pp. 12–80); Nasir al-Din Tusi: *The Nasirean Ethics (Ahlak-i Nasiri)*. Tr. G. M. Wickens. London, George Allen & Unwin Ltd., 1964.

<sup>7</sup> For a detailed description of these works see Ergene (2001, pp. 54–65).

drew from day-to-day involvement in government” after 1500 (Darling 2006, p. 57). Therefore, it is possible to regard these two definitions as complementary; the first one being relevant to state officials and the second one addressing the sultan. As will be seen below, Celālzāde mostly focused on the second definition of justice, portraying the sultan in accordance with that definition as a supreme and quasi-divine ruler whose wisdom alone guarantees the observance of justice. This paper attempts to illuminate the official definition of justice as expressed in Celālzāde’s works, and its relevance to the requirements of the Ottoman central administration and sultanic absolutism.

Like his contemporaries, Celālzāde interprets the victories of Sultan Süleyman as a sign of God’s support of the Ottoman dynasty.<sup>8</sup> Moreover, the Ottoman sultan, as “God’s shadow on earth” has a unique position among human beings; he is distinguished as the recipient of “divine inspiration”.<sup>9</sup> For Celālzāde, only a sultan can handle the heavy burden of sovereignty (*emānet-i hükümet*); it should not be delegated to other persons because one who carries out such a great responsibility should have a perfect character and moral standing. Most people have some defects in their nature; some people are incapable in financial matters, while some are blinded by their status, by ignorance or by greed. That is why, apart from the Shadow of God on Earth, who is supported by God (*mueyyed min ʿindi Allah*) there might be only one person among thousands who could accomplish such a task (Celālzāde Mustafa 1981, p. 178a–b). His unique status bestows the sultan with the ability to dispense justice, especially in circumstances when a crime is not definitely committed or proven. Following the traditional precepts of politics, Celālzāde emphasises the importance of anticipation and precaution (*tedbîr*) in the art of governance (e.g. in Celālzāde Mustafa 1981, pp. 129b, 247a). It is essential for high-ranking officials to take the necessary measures for the welfare of the entire society in advance. The sultan’s very existence serves the welfare of society due to the stability ensured by a powerful political authority.<sup>10</sup> Therefore, “Sultans are the soul for the body of justice. They are the eternal life of the country”.<sup>11</sup>

Celālzāde Mustafa narrates the political or discretionary punishments (*siyaset*) meted out by Sultan Süleyman within that context. According to Celālzāde, most of those punishments in fact represent the fulfillment of “divine justice”, and were a direct consequence of the sins committed by wrongdoers. The others were simply precautionary measures necessary for the well-being of society.<sup>12</sup> Celālzāde portrays

<sup>8</sup> For a discussion of eschatological role attributed to Sultan Süleyman by his contemporaries, see Fleischer (2001, pp. 290–300).

<sup>9</sup> “zill’u-llahi fi’l-arz, āyine-i ʿālam-i munîr-i ʿhüsvānî ki medār-i ilhāmât-i Rabbānîdir” (Celālzāde Mustafa 1981, p. 143a). Celālzāde also describes Sultan as “mehdi-i āḥiru’z-zaman” (p. 134b).

<sup>10</sup> For the perception of state power in the Ottoman history and its evolution in accordance with bureaucratic transformation see İnalcık (1992).

<sup>11</sup> “Pādîşāhlar ʿadālet bedenleriniñ rûḥ-i revānları, memleket tenleriniñ ḥayat-i cāvidānları, canlarıdır” (Celālzāde Mustafa n.d., f. 162a).

<sup>12</sup> This definition of *siyaset* resembles the Islamic theory of *Siyaset-i Şeriyye* which was developed by famous jurists such as al-Mawardi (d. 1058), Ibn Taymiya (d. 1328), Ibn Kayyim al-

Süleyman as a figure above Ottoman administration, who oversees the performance of Ottoman officials and intervenes in regular administrative practices only when it is crucial. The sultan's intervention mostly meant the execution of a high-ranking official.<sup>13</sup> Within that context, based on *Tabakāt* we will examine in this study the execution of *Vizier Ferhad Pasha* (d. 1524), Governor *Şehsuvaroğlu Ali Pasha* (d. 1522), *Grand Vizier Ibrahim Pasha* (d. 1536) and *Defterdar Iskender Çelebi* (d. 1535). We will also examine the execution of 800 *levends* (single, unemployed men) of İstanbul and 18 servants of Governor *Behram Pasha* to clarify the special meaning of justice in Ottoman administration. Finally, the case of *Molla Kabız* is illuminating in terms of clarifying the distinction between 'örf' and 'şeri'at in Ottoman criminal law.

### Abuse of State Power and the Sultan's Intervention by *Siyaset*

The sultan's *siyaset* punishments mostly targeted high-ranking officials who had misused legitimate state authority for their own benefit. The *Vizier Ferhad*, the Governor *Şehsuvaroğlu Ali*, the *Defterdar Iskender* and the *Grand Vizier Ibrahim* were treated as examples of this kind in *Tabakāt*.

Ferhad Pasha was the son-in-law and vizier of Selim I (1512–1520). Selim had entrusted him with the suppression of a possible revolt in the Amasya region, where reports suggested that a contender for the Ottoman throne, *Şehzāde* (Prince) Murad,<sup>14</sup> had gained the support of notables. At the time this threat emerged, Piri Mehmed Pasha (d. 1532) was grand vizier and his son-in-law Mustafa Pasha was second vizier. Piri Mehmed, Celālzāde Mustafa's first master, had close ties with the religious circles and notables of Amasya.<sup>15</sup> Sultan Selim appointed Ferhad Pasha (then Beylerbeyi of Rumeli) as third vizier and sent him to Amasya to prevent an uprising. According to Celālzāde, "no other vizier was aware of that issue, and the Sultan gave orders directly to Ferhad Pasha" (Celālzāde Mustafa 1990, p. 219). Celālzāde describes Ferhad Pasha as an ignorant and unjust vizier, who used excessive harshness to suppress the potential uprising in support of Shehzade Murad's cause. Celālzāde's evaluation of Ferhad Pasha's actions can be found in the *Tabakāt*, the *Selimname* (Celālzāde's work on Selim's reign) and Mustafa Āli's *Kūnhū'l-Ahbār*. Mustafa Āli's account is informative since he narrates in plain language what he had

Jawziyya (d. 1350), Shihab al-Din Ahmad b. Idris al-Karafi (d. 1285) and Ala al-Din Ali b. Khalil al-Tarabulusi (d. 1440). However, neither Dede Congi Efendi (d. 1566), author of a famous treatise on the subject, nor Celālzāde attempted to compare and justify Ottoman practices with Islamic theory of *siyasat-i şeriyye*. Kinalızade Ali Efendi (d. 1572) is the only known Ottoman jurist who criticised, albeit indirectly, Ottoman practice of *siyaset*; see Heyd (1973, pp. 202–204).

<sup>13</sup> Ottoman practice of *siyaset* was not limited with *siyaset* punishments inflicted by the sultan. It was applied in a number of cases by Ottoman officials, for more information on different categories of *siyaset* see Mumcu (1985).

<sup>14</sup> Murad (d. 1517) was grandson of Bayezid II and son of Şehzade Ahmed (d. 1513). Murad had taken shelter in Safavids upon Selim's accession to throne. A. D. Alderson, *Osmanlı Hanedanının Yapısı*, İstanbul, İz Yayıncılık, 1998, p. 95.

<sup>15</sup> For Piri Mehmed and his family see Küçükdağ (1994; 1995).

heard from Celālzāde. Out of respect for Sultan Selim, Celālzāde preferred to use vague language when he argued that Selim's death was actually a divine punishment for injustice committed by Ferhad Pasha. As Celālzāde relates the incident, a holy man, a *sheyh* of the Halvetiye order, who had suffered from Ferhad Pasha's investigation, had prayed to God for vengeance. Celālzāde indicates that the *sheyh* was "a noble man whose prayer was valued before God" (Celālzāde Mustafa 1990, p. 218). Mustafa Āli notes that Celālzāde was a follower of this *sheyh*. According to Mustafa Āli, there were two views regarding Sultan Selim's sudden death: the first was that it was the result of the curse (*beddua*) of Selim's father, Bayezid II, and the second, that it was the result of the curse of the aforementioned Sheyh (Mustafa Ali 1997, pp. 1194–1197).

Celālzāde Mustafa does not fail in his role as *nişancı* to defend the Ottoman sultanate. After narrating the aforementioned event, Celālzāde's *Selimname* ends with a chapter on Selim I's last days. Just before his death, Selim confesses to his *Grand Vizier*, Piri Mehmed that "he caused some injustices in his last days, but his goal was to secure the welfare and safety of all Muslims".<sup>16</sup> Celālzāde emphasises strongly the importance of having good *viziers* in his concluding poems at the end of the *Selimname*'s last two chapters.

Like his father, Süleyman also relied on Ferhad Pasha to suppress a rebellion, in this case that of Canberdi (d. 1521), Governor of Damascus. Canberdi was a *mamluk* in origin, who submitted to Selim I after the Ottoman victory at Ridaniya in 1517. On the accession of Süleyman, Canberdi declared independence, displaced Ottoman sub-governors in the province and tried to involve Hayır Bey, governor of Egypt, in revolt. Ferhad Pasha succeeded in his mission with the help of Şehsuvaroğlu Ali, ruler or autonomous governor of Zulkadir province.

Although Şehsuvaroğlu Ali made a significant contribution to the suppression of the Canberdi rebellion, as a member of the Zulkadir dynasty, Şehsuvaroğlu was also a potential threat to the consolidation of Ottoman rule in the region.<sup>17</sup> The Ottoman administration was worried about the Safavids' influence in east Anatolia and the weak loyalty of the Arab lands (Syria and Egypt) which had been annexed five years earlier. Therefore, Şehsuvaroğlu's possible alliance with the Safavids or former Mamluk commanders would have posed a major challenge to the Ottoman administration.

Kemalpaşazade compares Şehsuvaroğlu's status with that of the Hân of Crimea and Celālzāde describes him as an "independent governor" (*alā vech 'i-istiklāl*) (Kemalpaşazade 1996, p. 145; Celālzāde Mustafa 1981, p. 68a). Contemporary sources such as Kemalpaşazade, Ramazanazade and Lutfi Pasha do not provide a clear reason for Şehsuvaroğlu's execution, but all of them agree that Şehsuvaroğlu was loyal only in appearance, secretly aspiring for independence.<sup>18</sup> Lutfi Paşa and Kemalpaşazade

<sup>16</sup> "âhır-i' ömrümde ba'zı mezâlîme sebeb u bâ'is oldum. Mağşûd u murâdım refâhiyyet-i müslimîn netice ve mağşad-i âmâlîm huşûr-i mûminîn idi" (Celālzāde Mustafa 1990, p. 220).

<sup>17</sup> For more information, see Yinanç (1989, pp. 99–105).

<sup>18</sup> Kemalpaşazade (1996, pp. 141–146); Lutfi Paşa (1922, p. 307); Ramazanazade Mehmed, *Nişancı Tarihi*, manuscript, İstanbul Süleymaniye Library, Reisülküttab 619, f. 69a.

stress the fact that Şehsuvaroğlu had gained power through Selim I's support. Similarly, Celâlzâde points out that Şehsuvaroğlu received Ottoman support at the beginning of his rule, and adds that weak personalities cannot handle such power and prestige once they have gained it (Celâlzâde Mustafa 1981, p. 68a). According to Celâlzâde, Şehsuvaroğlu's attitude changed over time. As he became more powerful, he became dissatisfied with being a servant of the Ottomans and aspired to independence (*sevda-yi istiklâl*) (Celâlzâde Mustafa 1981, p. 68b).

As Celâlzâde relates, Şehsuvaroğlu began to oppress innocent people (*reayâ*), who desperately turned to the Sublime Porte for justice. In accordance with tradition, the Ottoman administration appointed officials to investigate their allegations. Şehsuvaroğlu had these officials murdered (*ibid.*). Therefore, the Ottoman Sultan was obliged to restore justice by putting an end to the harm and mischief caused by Şehsuvaroğlu.<sup>19</sup>

Şehsuvaroğlu Ali's military power was a source of anxiety for the Ottoman central administration and Ferhad Pasha was entrusted with the elimination of Şehsuvaroğlu. Ferhad Pasha was sent to Sivas at the head of the Ottoman army, with the apparent mission of protecting the eastern border against Safavids. As the commander of the Ottoman army on the eastern front, Ferhad Pasha encamped in Sivas, and Şehsuvaroğlu Ali was ordered to join him together with his soldiers. Unaware of the sultan's decision, Şehsuvaroğlu Ali was arrested and executed together with his three sons when he arrived in the Ottoman camp in June 1522 (Celâlzâde Mustafa 1981, pp. 77b–78a; Feridun Bey 1858, Vol. 1, p. 530). In addition, Ferhad Pasha deprived the *sipahis* (cavalry soldiers) of Zulkadir province of their revenues (*timars*).

Kemalpaşazade admits that Şehsuvaroğlu's sons were actually innocent but he justifies their execution saying "the offspring of a wolf will be a wolf in the end" (Kemalpaşazade 1996, p. 144). Celâlzâde does not find it necessary to provide a justification for their execution. He simply states that "Ferhad Pasha set fire to the Zulkadir dynasty; he destroyed it with the smoke of *siyaset*".<sup>20</sup> This brief statement makes it clear that the real target of Ottoman administration was not Şehsuvaroğlu himself but his dynasty. In other words, Şehsuvaroğlu was not punished due to his unlawful actions that Celâlzâde mentioned. After all, he was an autonomous ruler, entitled to govern his province as he wished. But, his power and dynasty threatened Ottoman rule. In Celâlzâde's formulation, "*siyaset*" refers to necessary and fair administrative actions that ultimately served the provision of justice. The destruction of the Zulkadir dynasty, according to Celâlzâde's account, served to restore justice in Zulkadir province. Şehsuvaroğlu was a source of oppression and turmoil because his defective personality was not capable of handling power and leadership. The Ottoman administration prevented greater turmoil by eliminating the source of injustice.

<sup>19</sup> "def-i mazarrat ve husrânı zimmet-i adâlet-haslet-i hüsrevânîye lazım olduğu ecilden" (Celâlzâde Mustafa 1981, p. 68b, cf. also *Tabakât*, MS, İstanbul Süleymaniye Library, Fatih 4422, f. 54a).

<sup>20</sup> "Zulkadriye düdmânına od bırakub, duhân ve düd-i siyasetle ol ocağı mahv u nâ-büd itdüğün" (Celâlzâde Mustafa 1981, p. 78a).



Although Ferhad Pasha successfully carried out the sultan's orders, his service was not appreciated by the sultan, who demoted Ferhad Pasha by appointing him Governor of Semendire in 1523. A year later, Ferhad Pasha was dismissed, and held responsible for the unease prevalent in the region of Rum (Amasya and Tokat). According to Celâlzâde, *Grand Vizier* Ibrahim Pasha had received reports informing him of former Zulkadir *sipahis*' preparations for revolt. The grand vizier forestalled their revolt by ordering the return of their lands previously confiscated by Ferhad Pasha. As Celâlzâde states, Ferhad Pasha was executed in November 1524, "due to his sins committed in the province of Rum" (Celâlzâde Mustafa 1981, pp. 130a–131a). For Celâlzâde, it is definitely proven by reason and by divine revelation that man will see the consequences of his actions in this world, as well as in the next one. Celâlzâde adds, "in earlier times, man used to see consequences of his actions after a period of time elapsed, but now, since the judgment day is close, human beings are immediately rewarded for their actions".<sup>21</sup>

Celâlzâde relates the execution of Ferhad Pasha to his deviation from the path of law (*şer'i'at*). Although this execution is presented as a result of discretionary punishment (*siyaset*), Celâlzâde does not use the word "*siyaset*". Rather, he emphasises the idea that justice was fulfilled by the execution of Ferhad Pasha. Celâlzâde's account reflects the feelings of notables from Rum province who had suffered greatly from Ferhad Pasha's policies.

*Defterdar* Iskender Çelebi and Grand Vizier Ibrahim Pasha were two exceptionally influential officials in first half of Süleyman's reign whose deaths was considered unfair by some Ottoman historians but Celâlzâde related it as a demonstration of Süleyman's justice. Iskender Çelebi was Süleyman's *defterdar* (chief financial officer, 1525–1534), who gained a reputation for having such enormous wealth as no other Ottoman official had ever enjoyed. Mustafa Âli states that Iskender's fortune consisted of 6200 slaves, of whom 1200 were professional soldiers.<sup>22</sup> As stated before, in his account of Süleyman's reign in his *Künhü'l-Ahbar* Mustafa Âli generally relies on Celâlzâde's *Tabakât* or on what he had heard at first hand from Celâlzâde. However, Celâlzâde's account of Iskender Çelebi was clearly hard for Mustafa Âli to believe: "Celâlzâde's account of the incident reveals the partisanship of Ibrahim Pasha and Celâlzâde's enmity towards the *defterdar*, so we will go into detail on this matter."<sup>23</sup> Therefore, Mustafa Âli provides a detailed report on the case, relying on what he had learned from former servants of Iskender Çelebi. Briefly, according to Mustafa Âli, Iskender Çelebi was actually innocent. However, people who envied Iskender Çelebi's friendship with Grand Vizier Ibrahim tried to create enmity be-

<sup>21</sup> "zamân-ı evvelde âdemî zad etdüği a'mâlin cezâsını görmekte bir mikdar terâhî olurdu şimdi kurb-ı kıyamete rûşen delil budur ki kişi etdüği a'mâlin mükâfâtını dünyada tiz bulur oldu" (Celâlzâde Mustafa 1981, p. 130b).

<sup>22</sup> Mustafa Âli (n.d.) section on the reign of Sultan Süleyman, 32th incident, cf. section on *Defterdars*, entry on "Iskender Çelebi".

<sup>23</sup> "Tabakâtü'l-Memâlikde Celâlzâde merhûm yazduğı üslûbda İbrâhim Paşa cenâbına mütâba'at ve defterdâr-i mezbûra kendü cânibinden 'adâvet muqarrer olmağın, bu bâbda bir miqdâr tafşîl irtikâb olunmuşdur" (Mustafa Âli n.d., reign of Sultan Süleyman, 32nd incident).

tween the two men. They succeeded in shaking the grand vizier's trust in the *defterdar*. Accusations of financial corruption followed, which increased Ibrahim's hostility towards Iskender. Mustafa Âli adds that after the execution of Iskender Çelebi, his fortune was confiscated by the state, with some of it being distributed among the viziers.<sup>24</sup>

Celâlzâde agrees that Iskender Çelebi had some merits which had made him a close associate of Ibrahim Pasha. However, Iskender was also a disciple of the "traitor" (*hâin*) Ahmed Pasha,<sup>25</sup> and he was appointed *defterdar* with the latter's support. In addition, Iskender was a corrupt official who accepted bribes.<sup>26</sup> According to Celâlzâde, Ibrahim Pasha learned about Iskender's dishonesty while he was residing in Haleb before the campaign against Iran in the winter of 1533. A provincial *defterdar*, Nakkaş Ali, knew everything about Iskender Pasha's affairs and he informed the grand vizier about Iskender Çelebi's unlawful actions. Then, the Pasha ended his friendship with Iskender and the latter began to fear for his life (*ümîd-i hayatdan me'yûs oldu*). Consequently, he attempted to undermine the grand vizier's authority by suggesting dangerous undertakings, like a campaign into the heartland of Iran. Iskender allied himself with other deceitful officials, such as the Safavid renegade Ulama Pasha,<sup>27</sup> in leading the grand vizier and the Ottoman army into disaster. In short, according to Celâlzâde, "they aimed to get rid of Ibrahim Pasha in a battle with the Safavids".<sup>28</sup>

Celâlzâde indicates that Ulama and Iskender were about to succeed in their conspiracy: the grand vizier believed their representations of the military situation and proceeded to Tabriz at the head of the Ottoman army. Then, claims Celâlzâde "those mischief-makers (*müfsidîn*) who incited Ibrahim Pasha to go to Persia, secretly informed the Shah about the Ottoman army. They encouraged the Shah not to miss the opportunity to defeat the Ottomans" (Celâlzâde Mustafa 1981, p. 251b). In Celâlzâde's view, the Ottoman army could not have defeated the Safavids without the leadership of the sultan. Fortunately for the Ottomans, the sultan arrived in Tabriz

<sup>24</sup> Mustafa Âli (n.d.) the reign of Sultan Süleyman, 32nd incident.

<sup>25</sup> Ahmed Pasha served as *Vizier* (1521–1523) until his appointment to governorship of Egypt. He declared independence in January 1524. After ruling 12 days with the title of Sultan, he was captured and beheaded by Ottoman forces, see es-Seyyid Mahmud (1990, p. 81).

<sup>26</sup> "[İskender Çelebi] ibtidâ-i neş'etinde erbâb-i kalem ve aşhâb-i raqamdan hıızâne-i 'âmire kâtipleri zümresinden olub Mısır'da hıyânet iden Ahmed Paşa ile celîs ve hem-dem muşâhabetinde şîrîn-zebân ve hoş-dem kimesne idi. Fi'l-haқиka ba'zı ahlâk-i hamîde ile mevşûf husn-i mu'âşeret ve ülfetde kerem-i nefis ile me'lûf hadd-i zâtında vufûr-i lutfâ mecbûl 'inde'l-enâm mu'azzez ve maqbûl idi. Ahmed Paşa terbiyeti ile Defterdârlık payesine qâdem başub cumhûr-i nâss içinde muhterem [Ibrahim] Paşa yanında dahî taqarrub-i hâşş tahşil idüb ehaşş-i havâşdan olub cümletü'l-mülk idi, bî-nihâye mala mâlik amma irtişâ ve şayd-i qalb ve sebîl-i ahz u celbe sâlik olmaqla müttehem idi" (Celâlzâde Mustafa 1981, pp. 247b–248a).

<sup>27</sup> Ulama Beg (Tekelu) was Shah Tahmasb's governor of Azarbaijan, who had switched allegiance from the Safavids to the Ottomans in 1532. Ulama participated in the campaign against the Safavids (1534) with the title of Governor of Erzurum, he was influential in shaping campaign strategy.

<sup>28</sup> "Murâdları Paşayı ele vermek ve yahud bir nekbete mübtelâ etmek idi" (Celâlzâde Mustafa 1981, p. 248a).

before Shah Tahmasb's expected attack, and the "enemies of the state" (*a'dā-yi devlet-i kāhire*) failed in their plot (Celālzāde Mustafa 1981, p. 254a). Then, states Celālzāde: "it was time for Iskender Çelebi to harvest the crops he had planted in this transitory garden; his granary was full with the seeds of sins and iniquities".<sup>29</sup>

Defterdar Iskender was first dismissed, and then hanged five months later (*şalb u siyāset*) at a square in Baghdad on 13 March 1535. One of his relatives (*kayın*), Huseyin, was also beheaded after two weeks (Celālzāde Mustafa 1981, p. 272b; Feridun Bey 1858, pp. 592–593; Lütü Paşa 1922, p. 351). Celālzāde does not emphasise the concept of justice in the case of Defterdar Iskender, implying that it was evident. For Celālzāde, Iskender was an "enemy of the state", a "traitor" and a corrupt official. The execution of the defterdar was a natural consequence of his actions.

Ibrahim Pasha is considered the most powerful Ottoman grand vizier. Contrary to the custom, Sultan Süleyman appointed him grand vizier in June 1523, while he was chief of the Privy Chamber (*hasodabaşı*), a relatively low-ranking palace position with no external administrative experience. He was also granted the Governorship of Rumelia. Ibrahim Pasha's appointment can be seen as an experimental attempt to adopt new administrative practices necessitated by geographic expansion. Süleyman aimed to declare that he refrained from involving regular administrative practices by creating an alter ego who was obliged to govern in accordance with law. It was also a demonstration of the Sultan's absolute power, which was not limited by tradition or custom (İnalçık 1993, p. 79).

Celālzāde was private secretary (*tezkiireci*) to Grand Vizier Piri Mehmed when he was replaced by Ibrahim Pasha. Since Ibrahim Pasha had no experience in state administration and no retinue when he became grand vizier, he was in need of experienced officials. Thus, Celālzāde Mustafa retained his post as private secretary to the grand vizier.

Contemporary sources agree that Ibrahim Pasha's ignorance of state affairs was compensated by Celālzāde Mustafa's experience (Kınalızade 1981, v. 2, p. 989; Sehî 1978, p. 135; Aşık Çelebi 1994, p. 462). Beyânî (Mustafa b. Cârullah, d. 1006/1597–1598) narrates the story using Celālzāde Mustafa's words: "when Ibrahim Pasha suddenly became grand vizier, he asked for a qualified *kātib* from the divan scribes, and he appointed me [i.e., Celālzāde] as his *tezkiireci*. He [Ibrahim Pasha] was not educated about world affairs and many petitioners flooded the divan. Secretly, we had an agreement that if it was a matter of law, in accordance with my signal, he would send the petitioner to the *kazasker*; if it was a matter of finance, he would send the petitioner to the *defterdar*. If it was a matter of the vizierate that he should deal with, then I would grab the pen and ink well and he would say 'write down my order'".<sup>30</sup>

<sup>29</sup> "İskender Çelebi geşt-zâr-i a'mâlinde taḥşîl itdüğü âmalı maḥşûlâtının zamanı erişüb toḥm-i evzâr ve vebâl ile ahvâlî an bârı doldurub ..." (Celālzāde Mustafa 1981, p. 257a).

<sup>30</sup> "İbrahim Paşa harem-i pâdişâhiden def'aten vezir-i a'zâmlığa çıkdıkda küttâbdan bir gayetle ehl-i vukûf kimesne isteyüb hakîri gettürüb tezkireci edindi. Kendütün ahvâl-i âleme vukûfu yok şikâyetçi ise izdihâm ider. Mâ-beynimizde, tenhâda ittifâk olunmuşdur ki eğer şerîata müteallik nesne ise benüm işâretimle Kadiaskere sala, eğer mâl-i pâdişâhiye müteallik ise defterdâra göndere,

Grand Vizier Ibrahim Pasha's power and prestige increased even further. In 1524 he married the Sultan's sister, Hatice; in 1529 the Sultan appointed him – again contrary to custom – as permanent commander-in-chief (*serasker*) of the Ottoman army. As the imperial document of appointment (*berat*)<sup>31</sup> demonstrates, Ibrahim Pasha had gained almost complete power over all of the sultan's servants, including viziers, governors and *kazaskers*, who were obliged to accept the grand vizier's orders as the sultan's own words. Celälzâde prepared this document on the sultan's order, but appears uncomfortable with this novelty, since he felt the need to justify himself by saying “*el-memuru mâ'zûrun*” (“the servant is excused”).

As mentioned above, Celälzâde believed that sovereignty (*emânet-i hükûmet*) should not be delegated to ordinary people, i.e., to anyone other than the sultan. Only God's Shadow on Earth, with the help of divine guidance, was capable of maintaining his integrity and dignity in the face of the seductive effects of unlimited power. However, Celälzâde describes the grand vizier as a compassionate, kind and good-mannered man who listened to other people's advice, especially at the beginning of his vizierate. He emphasises that Ibrahim Pasha had been trained by the sultan, and he was the most suitable person for such a position. For Celälzâde, Ibrahim Pasha had a number of virtues that ensured him a status above others, like strict observance of justice, integrity and consulting with other people, *until the 1535 Baghdad campaign* (Celälzâde Mustafa 1981, pp. 168b, 178b).

The execution of Defterdar Iskender extended the grand vizier's power because Ibrahim Pasha no longer needed to seek the influential defterdar's approval in decisions relating to financial matters. But the grand vizier did not enjoy this independence for long. According to Celälzâde, the grand vizier's behaviour changed after the conquest of Tabriz because of the great power and prestige he attained. Ibrahim Pasha lost his common sense and began listening to dishonest and inferior people.<sup>32</sup> On the way to Baghdad, Ulama Pasha had seduced Ibrahim Pasha with dreams of even greater glory, saying “Although the Shah of Persia has a limited sultanate, he has a number of servants using the title of ‘sultan’<sup>33</sup>. Our sultan of the world is envied by other great rulers due to the greatness of his sultanate and power. Is it not reasonable that one of the sultan's slaves should use the same title [i.e. sultan]? Convinced by Ulama's arguments, Ibrahim Pasha started to use the title ‘*serasker sultân*’ in official documents.”<sup>34</sup>

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eğer kendüye, vezârete müteallik ise ben devata kaleme yapışurum ol dahi hükm yazılsun buyururdu” (Beyânî 1997, p. 293).

<sup>31</sup> A copy of the *berat* is preserved in Feridun Bey (1858, pp. 544–546), and in Celälzâde Mustafa (1981, pp. 179b–182b).

<sup>32</sup> “Paşanınñ tabi'atı diğer-gün kesret-i iltifat ve takarrubden kuvvet-i havşalası zebûn oldu, erbâb-i hevâ ile ülfet aşhâb-i agrağ ve mezellet ile müşâhabet itdi.” (Celälzâde Mustafa 1981, p. 274b).

<sup>33</sup> Tahmasb's leading military-administrative officials used the title “Sultan”. For instance, holders of the office of “Muhrdar” Amir Sultan Musullu, Ibrahim Sultan Musullu or “*amir al-umarras*” like Div Sultan and Köpek Sultan Ustaclu, see Mitchell (2002, pp. 205–206).

<sup>34</sup> “Ulâma-i şeytanet-âsâ [İbrahim] Paşaya iğvâ virüb ‘Acem Şâhının ednâ saltanatı ile bu deñlü Sulţân adına beğleri ve hânları vardır, hażreti Pâdişâh-i rüy-i zemîn kemâl-i kudret ve şevket-

Celālzāde offers two principal reasons to explain the execution of Ibrahim Pasha. First, the sultan was not pleased with the outcome of the campaign against Iran. Although Baghdad and its surroundings had been conquered, Shah Tahmasb had not been captured or defeated. That was because of the grand vizier's failure to take all necessary measures. Secondly, the grand vizier's character had drastically changed after the conquest of Baghdad under the influence of ignorant and dishonest people, as mentioned above. Initially, Ibrahim Pasha was a grand vizier who respected the traditions and laws of the Ottoman Empire, and who always sought advice from experienced officials before making decisions. As a calligrapher himself, Celālzāde mentions the grand vizier's respect for the holy book at the beginning of his career: the grand vizier used to accept *mushafs* (Korans) presented to him with great respect, and used to reward calligraphers for their work. After the conquest of Baghdad, Ibrahim Pasha dismissed from his presence calligraphers who wished to present their gifts, i.e., *mushafs*. Eventually, he began to disregard laws and traditions, allowed unjust executions and became a source of injustice. As usual, Celālzāde stresses divine punishment, quoting the saying "if it is God's will, He paves the way for its happening". The sultan was in due course informed about Ibrahim Pasha's unfair and unlawful deeds, and "Ibrahim Pasha's circle of life was sealed with the word of death on the night of 15 March 1536".<sup>35</sup>

### Ottoman Law: 'Örf, Şeri'at and Siyaset

Ottoman administration depended on justice, which means the observance of 'örf and şeri'at (sultan law and religious law). In practice, however, there might be instances where Ottoman officials failed to decide which one applies to the case. Besides, there might be cases where neither 'örf nor şeri'at effectively resolved the problem. The sultan's intervention was necessary in such cases in order to ensure justice and the welfare of society. The trial of Molla Kabız and the punishment of İstanbul *levends* are two examples of this kind.

Molla Kabız came from Iran to study religious sciences in İstanbul. Details of his life are unknown, save that he was a member of the *ulema*. Sixteenth- and seventeenth-century Ottoman sources such as the *Künh'ül-Ahbār*, *Peçevi* and *Atâî* mostly repeat the same information found in Celālzāde's *Tabakât*.<sup>36</sup> As Molla Kabız was not a member of the military-administrative elite, his case could not be considered within

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leri ile mağbû-i şâhân-i 'âlişân-i felek-temkîn olmuşlardır, bir kulları sultân adına olsa 'aceb midür diytü ânuñ delâlet ve reh-nümâlığı ile menâşir-i hâkâniyyede vâkı' olan el'kâbına ser'asker sultân lafzını ihtirâ' idüb kayd itdirdi." (Celālzāde Mustafa 1981, pp. 274b–275a). Celālzāde also adds a poem criticising that practice: "Yaraşmaz bendeye ism ola sultân / Melek ol nâm ile olmuşdu şeytân / Kuluñ fâhri 'ubûdiyyet gerekdir / Şâh olmaz bendeye hîdmet gerekdir / Eğerçi Mısıra sultân oldu Çerkes / Hümâ olmaz hâkîkat büm u kerkes ..."

<sup>35</sup> "Ramağanın 22. gecesı dâyre-i hayâtına raqam-i memât çekilüb" (Celālzāde Mustafa 1981, p. 278b).

<sup>36</sup> For a thorough evaluation of sources and Kabız's views, see Ocak (1998, pp. 230–238) and Repp (1986, pp. 185, 234–236).

the category of *siyaset*. Instead, he was found guilty before a *şeri'at* court held in the imperial divan. But the trial of Kabız in the imperial court reveals clues about the distinction between 'örf and *şeri'at* in Ottoman law. Therefore, it is worth being evaluated in that context.

Celälzâde relates that Kabız caused great turmoil among the learned circles of İstanbul in 1527 by claiming the superiority of Jesus over the Prophet Mohammad. He generally expressed his views in taverns (*meyhâne*), which further angered *ulema* circles. Eventually, in November 1527, Kabız was brought before the imperial divan by some "zealous" (*sahib-i gayret*) members of the *ulama* (Celälzâde Mustafa 1981, p. 172b). Grand Vizier Ibrahim Pasha accepted the case as being a religious matter and transferred it to the *kazaskers*, Fenarizade Muhyiddin (d. 1547) and Kadiri Celebi (d. 1551). Celälzâde describes both of them as ignorant, but he criticises Muhyiddin in particular, saying he only became *kazasker* due to the influence of his relatives.<sup>37</sup>

Kabız defended his case in the *divan* by referring to verses from the Koran and the Prophet's sayings (*hadis*). According to Celälzade, when the *kazaskers* could not refute Kabız's assertions, they lost their tempers and sentenced him to death (*katl u siyaset emrettiler*). Though they could not silence Kabız according to the *şeri'at*, they insisted that he must be punished according to 'örf.<sup>38</sup> However, the grand vizier Ibrahim Pasha refused to punish Kabız by 'örfi law, and insisted that the *kazaskers* were required to refute Kabız's assertions in terms of the *şeri'at*. Kabız temporarily escaped punishment, but after the *divan* the sultan intervened and ordered a re-trial in front of Mufti Kemalpaşazade (d. 1534) and the *kadı* of İstanbul, Sadeddin (d. 1539). During the re-trial, Kabız's assertions were refuted by the mufti's wise statements. Then, as the *şeri'at* requires, Kabız was asked to renounce his heretical beliefs in order to be saved from punishment. When Kabız refused to do so, Mufti Kemalpaşazade turned to *hâkim-i şer'* Sadeddin, saying: "the mufti's job is finished, you may give judgment according to what is necessary in the light of the *şeri'at*".<sup>39</sup> Kadı Sadeddin invited Kabız once more to return to the orthodox path; when Kabız maintained his position, he was sentenced to death according to the *şeri'at*.<sup>40</sup>

Molla Kabız' case is an important example illustrating that there was no clear distinction between the spheres of 'örf and *şeri'at* even in the minds of highest-ranking Ottoman officials. Though, there was a clear distinction between 'örf and *şeri'at* in terms of judicial procedure. Besides, there are a number of events recorded in the Ottoman chronicles that depicts *kazaskers* and/or *muftis* as the defenders of

<sup>37</sup> "haseb u neseb ciheti ile" (Celälzâde Mustafa 1981, p. 173a). It should be noted that Celälzâde always criticises Fenarizade Muhyiddin, who had been entrusted with investigating former Grand Vizier Piri Mehmed, Celälzâde's master and protector. Piri Mehmed was dismissed due to Fenarizade's negative report.

<sup>38</sup> "mezkûr mulhidin müdde'ası bâbında şer'ile iskâta kıdır olmayub gazâb-âmir evzâ' ile 'örfî hükümler eylediler" (Celälzâde Mustafa 1981, p. 173a).

<sup>39</sup> "fetvâ emri tamam oldu şer'ile lazım geleni siz hükm edin" (Celälzâde Mustafa 1981, p. 175a).

<sup>40</sup> "muhteżâ-yı şer'-i kavîm üzere mülhid-i mezbûr seyf-i şer'-i manşûr ile maķhûr oldu" (Celälzâde Mustafa 1981, p. 175b).

*şeri'at* against Sultans' unjust *siyaset* punishments which is an extension of '*örf*'. In Kabız' case, it was *kazaskers* who demanded the application of '*örf*' to punish mainly a religious crime. *Siyaset* was an efficient tool at the service of the central authority, and its usage was justified by the necessity of order and stability for the welfare of the society. Therefore, *kazaskers* wanted to benefit from the same tool to overcome a religious problem which might be interpreted as a threat to social order in broader terms.

Another incident in 1527 is a good illustration of Celālzāde's view of the meaning and limits of *siyaset*. One night, as Celālzāde relates, the home of a Muslim in İstanbul was broken into and all members of the household were murdered. After a long investigation, state officials were unable to find the offenders. Although there was not sufficient proof to accuse anyone in particular, unemployed, non-Muslim *levend* gangs were held responsible. They had committed such crimes before, and they were the only suspects. Consequently, all unemployed, unskilled, non-Muslim *levends* in the city were arrested in the streets, markets, taverns and *bozahanes*. About 800 *levends* in total were executed in public places such as markets and squares. Celālzāde declares that they were executed due to administrative necessity (*siyaseten katl eylediler*), explaining: "At first sight, such a punishment was an exaggeration and an unfortunate event. It was apparent that most of them had nothing to do with the aforementioned crime. However, God's will occurred in that way, and it has set an example for wrongdoers. Potential criminals were scared to death. After the incident, no such crime has been committed again in İstanbul".<sup>41</sup>

Celālzāde's perception of *örf* and *şeri'at* is clarified in the light of these two accounts, i.e., the case of Molla Kabız and the punishment of the *levends*. It becomes clear that Celālzāde does not consider '*örf*' to be a branch of *şeri'at*, as some specialists in Islamic law have asserted was the case in Ottoman law.<sup>42</sup> According to Akgündüz, Islamic law grants limited legislative power to the sovereign in order to meet administrative needs, and sultan law should be regarded as an extension of this responsibility. Apparently, legislative power bestowed on the ruler can be used within the limits of the general principles of *şeri'at*. As Uriel Heyd pointed out, the famous Ottoman jurist Dede Efendi, following Ibn Taymiya's approach, "expresses the generally accepted opinion that for the sake of maintaining public order and ensuring the welfare of society the Muslim ruler is given a broad discretion to deal with criminal offences, provided his acts do not blatantly run counter to the principles of the *shari'a*" (Heyd 1973, p. 199). But Dede Efendi did not mention the Ottoman *kanun* within the doctrine of *siyasa shari'a*. Again according to Heyd, "despite the numerous similarities between the *siyasa shari'a* and the *kanun*, many '*ulema* most probably objected to the *kanun* on principle" (Heyd 1973, p. 203). Though Celālzāde Mus-

<sup>41</sup> "Eğerçi bi-hasebi'z-zâhir bu huşuşun vukû'u nev'-i tekellûf ve küdüretten hâlf olmayub huşuş-i mezbûrda ekserinin vukûfu ve şu'uru olmaduğı bedihîdir. Meşiyet-i ilâhî bu yüzden zühûr idüb erbâb-i fesâda mücib-i 'ibret ve aşhâb-i cürm ü 'inâda müstevcib-i dehşet olub ol zamandan sonra mahrûse-i İstanbulda ânun emsâli şenâ'at olmadı" (Celālzāde Mustafa 1981, p. 176a).

<sup>42</sup> Ahmet Akgündüz discusses Ottoman law in the first volume of his *Osmanlı Kanunname-leri*, 9 vols, İstanbul, Fey Vakfı Yayınları, 1990.

tafa was a learned man in the religious sciences, and he sometimes uses *kanun* and *şeri'at* as synonyms, it is apparent that he accepts 'örf (the Sultan's legislative-administrative power) as an independent, autonomous field, and not as a concept within *şeri'at* (Islamic law). As Halil Inalcık has put it, "Kānūn, or sultan law, meant a general ruling emanating from the will of the ruler" (Inalcık 1993, p. 76).<sup>43</sup> Celāl-zāde's use of the words *kanun*, 'örf and *siyaset* coincides with Inalcık's description. For Celāl-zāde, political authority is the most important source of welfare and safety for Islamic society (Celāl-zāde Mustafa n.d., f. 162a). Moreover, the regulation of public affairs requires a legislative-judiciary power (*siyaset*) exceeding the boundaries of religious law (*şeri'at*). However, this power should be used only by the sultan, who is free from ethical weaknesses and mundane passions. Celāl-zāde strongly believes that all *siyaset* punishments mentioned in the *Tabakāt* are not only reasonable punishments, but are also necessary for the fulfillment of justice.

Lastly, Celāl-zāde's account of the punishment of Behram Pasha's servants reveals another purpose of *siyaset*: ensuring order and discipline among imperial servants. Behram Pasha was serving as the governor of Rumelia at the time when he was murdered in his sleep on the night of 22 March 1532. All of his servants were arrested and hauled by the palace guards (*çavuş*) before the imperial court. The Ottoman divan immediately ordered the execution of the killer and his accomplices, who were among the pasha's lower-ranking servants. The divan decided in addition to punish high-ranking servants due to their negligence. The chief doorkeeper (*kapıcıbaşı*), the chief of the stables (*emirahur*) and sixteen other high-ranking servants of Behram Pasha were executed by the order of the divan.<sup>44</sup>

Celāl-zāde intentionally uses the word "*siyaset*" to describe the punishment of the second group, i.e., the high-ranking officers. The lower-ranking servants, who were guilty of murder, were simply "executed".

### Conclusion: the Sultan's Siyaset, a Necessary Tool for Justice

Unsurprisingly, Celāl-zāde's style of exposition reflects the style and precision used in official documents and law codes. Celāl-zāde's early years in the imperial *divan* coincided with Selim I's conquests and the expansion of the Ottoman bureaucracy. As a young *divan* scribe, Celāl-zāde contributed greatly to the codification of laws for Egypt (1525). He introduced new literary formulas to be used in official documents during the time he held the post of *reisülküttab*. Sultan Süleyman's early years were a period of innovation, when new methods and administrative practices were introduced in every field (Necipoğlu 1990, p. 203; see also Necipoğlu 1989, pp. 401–427). *Reisülküttab* Celāl-zāde was the chief architect of innovations introduced in bureaucratic language, rather than the *nişancı* of the time, Seydi Bey (d. 1534), who

<sup>43</sup> Inalcık elaborated *kanun* and Ottoman law in many articles, see also "Kanun". In: *ET*. Vol. 4, p. 556; Inalcık (1958, pp. 102–126; 1966, pp. 259–275; 1969, pp. 105–138).

<sup>44</sup> "siyaset olundular" (Celāl-zāde Mustafa 1981, p. 206a).



was supposed to compose significant imperial documents.<sup>45</sup> Like other state officials, Celälzâde aimed to contribute to the consolidation of Ottoman rule in the vast region stretching from Buda to Baghdad. He contributed to the development of an official language highlighting the Sultan's power and prestige and serving to strengthen the legitimacy of Ottoman rule. Ottoman official documents such as *fetihnâme*, *ahid-nâme*, *berât* and *fermân* underlined the legitimacy of Ottoman rule by highlighting notions of justice, stability and divine support in the *intitulatio* section. However, the formulas used in *intitulatio* do not provide an elaborate description of justice as understood by Ottoman officials. The *Tabakât* is an extension of Celälzâde's efforts to portray Ottoman rule as an ideal system that will survive forever, and the Ottoman sultan as an abstract figure representing the impersonal, absolute and indivisible authority.

The *Tabakât* is not a comprehensive history of Süleyman's reign; it highlights events demonstrating the sultan's power and justice. In other words, Celälzâde deliberately chose to record the aforementioned seven events in order to demonstrate the sultan's justice, not to justify the sultan's decisions. If those decisions had been evaluated as doubtful actions by the sultan, that needed justification, Celälzâde would have never recorded them in *Tabakât*. For instance, the sultan's decision in the case of İstanbul *levends* is certainly an example of injustice for modern eyes; but the *Tabakât* records it to demonstrate sultan's compassion and care for his ordinary, law-abiding subjects. It should be noted that other contemporary Ottoman sources do not mention the case; it would have been forgotten forever if Celälzâde had not preferred to record the event.

Justice is depicted as a joint product of *şeriat*, *kanun* and the sultan's discretionary punishments. The sultan's *siyaset* is especially necessary to restore justice in cases where the *şeriat* fails to punish criminals by using regular procedures, as the case of İstanbul *levends* demonstrates. State administration relies on the rules and acts emanating from the sultan's independent legislative-judiciary power, i.e., *kanun*. Sultan's laws (*örf*, *kanun*) regulate the state administration and prevent the oppression of tax-paying subjects (*re'âyâ*) by state officials. Sultan's discretionary punishments (*siyaset*) are necessary for the fulfillment of justice and they usually target servants of the sultan who have caused injustices in the Ottoman realm. In Celälzâde's view, abuse of state power by high-ranking officials is a regular consequence of human nature. Most people do not have a perfect moral standing and are inclined to deviate from the true path as they become more powerful. The sultan's intervention ensures the restoration of justice and the fulfillment of God's will. As the Ottoman sultan gained the status of an abstract, impersonal figure representing the absolute and indivisible state authority, his intervention became necessary only in extreme conditions and it mostly meant the execution of high-ranking officials (*siyaset*).

The term *siyaset* was originally used to refer to the state administration; classical works for the art of government (mirrors for princes genre) formulate *siyaset* as

<sup>45</sup> Exemplary documents of this period such as a letter to Shah Tahmasb (1526), *berat* of Grand Vizier Ibrahim Pasha (1529), *fetihnâme* of the Mohaç campaign (1526) were composed by Celälzâde. See Feridun Bey (1858, pp. 541–546).

government in accordance with justice. Later on, *siyaset* acquired the meaning of “physical punishments for offences against the state”.<sup>46</sup> The Ottomans used the term in both senses but they mostly preferred to use “*tedbir-i umûr*” for regular administrative practices. Süleyman conferred *tedbir-i umur* on his grand viziers but he was cautious about controlling their power by personally appointing other high-ranking officials responsible for the administration of justice such as *nişancı*, and *kazasker*. When high-ranking officials failed to comply with laws, the sultan intervened in state administration with the second meaning of *siyaset*. Grand Vizier Ibrahim Pasha’s end was a clear proof of this necessity; even the most trusted ones were not immune to the seductive effects of power.

The sultan’s *siyaset* mostly targeted high-rankings official of slave origin (*kul*) who were responsible for *tedbir-i umur* in accordance with *kanun* and *şariat*. But it sometimes targeted ordinary subjects for the sake of the order and stability of Ottoman society, as the case of İstanbul *levends* demonstrates. Celâlîzâde frequently relates “God’s will” to the sultan’s discretionary punishments in order to indicate that the sultan acts according to “divine inspiration” in his decisions, which he makes with the intention of promoting justice, stability and order.

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<sup>46</sup> C. E. Bosworth (1997): “siyasa”. *Encyclopaedia of Islam*. 2nd ed. Leiden, E. J. Brill, Vol. 9, p. 694.

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